



राजपत्र, हिमाचल प्रदेश (मसाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, २८ अप्रैल, १९९५/८ वंशाब्द, १९१७

हिमाचल प्रदेश सरकार

HEALTH AND FAMILY WELFARE DEPARTMENT
(Civil Dental Services)

NOTIFICATION

Shimla, the 28th April, 1995

No. Health-A (3) 11/87.—The Governor of Himachal Pradesh, in exercise of powers conferred by proviso to Article 309 of the Constitution of India and in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the following rules for regulating the

recruitment and conditions of service of persons appointed to the Himachal Pradesh Civil Dental Service in regard to the following matters, namely:—

- (i) the method of recruitment to the Himachal Pradesh Civil Dental Service ;
- (ii) the qualifications necessary for appointment to such service and posts; and
- (iii) the conditions of service of persons appointed to such service and posts for the purposes of Probation, seniority, Promotion and confirmation etc.

PART-I—GENERAL

RECRUITMENT RULES

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh Civil Dental Services Rules, 1995.

(2) These rules shall come into force from the date of publication in the Official Gazette.

2. *Definition.*—In these rules, unless there is anything repugnant in the subject or context;—

- (a) “Annexure” means an annexure attached to these rules ;
- (b) “appendix” means an appendix attached to the annexure of these rules;
- (c) “appointed day” means the date on which these rules came into force ;
- (d) “appointing authority” means an authority competent to make appointment to service;
- (e) “Commission” means the Himachal Pradesh Public Service Commission ;
- (f) “Department” means the Department of Health and Family Welfare, Himachal Pradesh.
- (g) “Director” means the Director of the Himachal Pradesh Civil Dental Services.
- (h) “direct recruitment” means a recruitment made otherwise than by promotion from amongst the members of service or by transfer of an officer already in service of the Government;
- (i) “Departmental Promotion Committee” means a Committee appointed by the Government for the selection of candidates for appointment to posts and for promotion or confirmation in the service;
- (j) *Ex-servicemen* means the *Ex-servicemen* as defined in clause (b) of rule 2 of the *Ex-servicemen (Reservation of vacancies in the Himachal Pradesh Technical Service rules, 1985*;
- (k) “Governor” means Governor of Himachal Pradesh;
- (l) “Government” means the Government of Himachal Pradesh.
- (m) “Hard areas” means such area in the State of Himachal Pradesh as notified by Government from time to time;
- (n) “Member” means a member of the Himachal Pradesh Civil Dental Service;
- (o) “Post-Graduate Qualification” means qualification as specified in Appendix-‘C’;
- (p) “Recognised Dental Qualification” means any of the qualification included in the Schedule of Indian Dentist Act, 1948 (Act No. XVI, of 1948) as amended from time to time ;
- (q) “Schedule Caste” means the castes, races, or tribes or parts of groups within Castes, Races or Tribes specified in the Schedule to the Constitution Schedule Castes Order, 1950 as amended by the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (Act No. 108 of 1976) and as it may be amended from time to time.

- (r) "Scheduled Tribes" means the tribes or tribal communities or part of groups within Tribes or tribal communities specified in Schedule to the Constitution (Scheduled Tribes Order, 1950) as amended by the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (Act No. 108 of 1976) and as it may be amended from time to time.
- (s) "service" means the Himachal Pradesh Civil Dental service.

PART-II

RECRUITMENT TO SERVICE

3. *Character of Posts.*—The character (*i. e.* designation, grade etc.) of the various posts included in the service and their pay scale shall be as indicated in the Annexure-I to these rules, subject to any additions, reductions that may be made by or under the orders of the Himachal Pradesh Government, from time to time.

4. *Appointment to the Service.*—Appointments to the service shall be made by the Government.

5. *Conditions for appointment—Nationality.*—A candidate for appointment to any post in the service must be:—

- (a) a citizen of India; or
- (b) a subject of Nepal; or
- (c) a subject of Bhutan; or
- (d) a Tibetan refugee who came over to India before 1st January, 1962 with the intention of permanently settling in India; or
- (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African Countries of Kenya, Uganda and United Republic of Tanzania, Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India :

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination/interview conducted by the Himachal Pradesh Public Service Commission but the offer of appointment may be issued only after the necessary eligibility certificate has been issued to him by the Government of India.

(2) Unless he is already in Government service, must produce :—

- (i) A certificate of good moral character from the Principal, Academic Officer of his University, College, School or Head of his Educational or Technical Institution last attended ;
- (ii) Certificate of good moral character from 2 responsible persons, not being his relatives who are well acquainted with him in private life and unconnected with his University, College, Technical/Institution ;
- (iii) A medical Certificate as required under the service rules made applicable by the Government from time to time.
- (iv) No person who has more than one wife living or who have a spouse living, marries in any case where such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the service ;

- (v) In the case of a married woman a declaration to the effect that she has not married a person having already a living wife.
- (vi) No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to service :

Provided that the Himachal Pradesh Government may, if satisfied that there are special grounds for doing so, exempt any such person in whose case second marriage is permissible in law from the operation of rules of clauses (iv) and (v) supra ;

(3) Age for direct recruitment shall be 45 years:

Provided further that upperage limit is relaxable for Scheduled Castes/Scheduled Tribes/Other categories of persons to the extent permissible under the general or special order of the Himachal Pradesh Government.

Explanation.—(1) Age limit for direct recruitment will be reckoned from the first day of the year in which the posts are advertised for inviting applications.

Explanation.—(2) In all cases of confirmation/promotion the *ad hoc* service rendered in the post upto 31-3-1991, if any, or on subsequent date decided by the Government from time to time prior to the regular appointment against such post shall be taken into account towards length of service.

6. Educational and Professional qualification of candidates.—Educational and Professional qualifications of candidates for appointment to the various posts in the service shall be as specified in Annexure-I to these rules.

7. Method of Recruitment.—The method of recruitment for appointment to the various posts in the service shall be as specified in Annexure-I to these rules.

8. Special provisions of Reservation of posts for Scheduled Castes/Tribes Released Indian Armed Forces Personnel and other Backward Classes.—The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Backward Classes/Other categories of persons issued by the Himachal Pradesh Government from time to time.

9. Appointment by Promotion.—Appointment to the service under rule 7 shall be made by the appointing authority on the recommendations of the Departmental Promotion Committee, constituted by the Government from time to time or on the recommendations of the Himachal Pradesh Public Service Commission, as the case may be.

10. Temporary filling of service posts.—Notwithstanding anything contained in these rules, if there is a vacancy in service post, the Government may in consultation with the Himachal Pradesh Public Service Commission fill up such vacancy for a period not exceeding five years, by deputation of an officer employed under the Central Government/State Government or on contract basis provided that such officer fulfills the essential educational qualifications and holding a similar post in identical pay scale.

PART-III

CONDITIONS OF SERVICE

11. Probation of persons appointed to the Service.—(1) Person appointed to a post in service shall remain on probation for a period of two years subject to such further extension

for a period not exceeding one year as may be ordered by competent authority in special circumstances and reasons to be recorded in writing:

Provided that any period after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation.

(2) If, in the opinion of the appointing authority, the work or conduct of a person during the period of probation is not found satisfactory, it may, if such person is recruited by direct recruitment, dispensed with his services and in case if such person is a promotee, revert him to the post from which he was promoted.

12. *Seniority of the Members of the Service.*—(1) *Inter-se* seniority of the members of the service shall be in order of their regular appointment by UPSC, PPSC or HPPSE.

(2) The members of the service, who are recruited direct through the Commission shall be assigned seniority in the order of merit as recommended by the Commission.

(3) The relative seniority of the member of service, who are promoted on the recommendations of the Departmental Promotion Committee, shall be in the order in which the Deptt. Promotion Committee recommended their names for promotion :

13. *Pay Scale.*—Members of the service shall be entitled to pay scale as given in Annexure-I to these rules subject to their revision by the Government from time to time.

14. *Private Practice.*—Persons appointed to the service shall not be allowed to do private practice of any kind, whatsoever, including consultation and laboratory practice. They shall however, be entitled to non-practising allowance at such rate as may be fixed by the State Government from time to time.

15. *Departmental Examination.*—(1) Every member of the service shall be required to pass the Departmental Examination as prescribed under the Himachal Pradesh Departmental Examination Rules, 1976, paper-I—Financial Administration as meant for Technical Officers within the probation period or within two years from the commencement of these rules, whichever is later:

Provided that an officer for whom no Departmental Examination was prescribed prior to the notification of these rules and who has attained the age of 50 years on the 1st March, 1994 shall not be required to qualify the Departmental Examination under these rules.

(2) Notwithstanding anything contained in these rules, the Member of the service who fails to pass the Departmental Examination shall not be eligible to hold the post of State Programme Officer, Joint Director (Dental).

16. *Liability to serve in defence services.*—Any person appointed to the service shall, if so required, be liable to serve in any defence services or post connected with the Defence of India, for a period of not less than four years including the period spent on training, if any:

Provided that such person,—

(i) shall not be required to serve as aforesaid after the expiry of ten years from the date of his appointment ;

(ii) shall not ordinarily be required to serve as aforesaid after attaining the age of 45 years.

17. *Liability to serve.*—(1) A Member of the service shall be liable to serve through-out the State of Himachal Pradesh, whenever and wherever he is posted by the appointing authority;

(2) A Member of the service, who is a graduate-doctor (BDS) on first entry in the service shall require to serve in the Primary/Civil Dispensaries located in the hard areas for three complete years.

(3) A Member of the service, who is a post-graduate on first entry in the service shall require to serve in the hospitals having 30 beds or above located in the hard area for complete three years.

(4) A member of the service, who is a postgraduate (MDS) shall also serve for another two years in the Hospitals having 30 beds capacity in other than hard areas.

Forwarding of applications for Higher Education :

(5) No application of a Graduate (BDS) shall be forwarded to any Institution for Post-Graduation/Diploma Course unless he has served for three complete years in hard areas and for two years in PHC/CDs in other than hard area.

(6) Resignation of the members of HPHSI (BDS) shall not be accepted unless he has rendered 10 years of complete service including *ad hoc* service.

18. *Foreign Assignment.*—A Member of service shall be allowed to go for foreign assignment/deputation outside the State unless he served for 10 years including *ad hoc* service :

Provided that he shall be allowed to go for foreign assignment after he has executed a bond amounting to Rs. 5.00 lacs that he will join his duties immediately on the expiry of his assignment :

Provided further that no Member can claim deputation/foreign assignment as a matter of right.

19. *Leave, pension and other conditions of service.*—In respect of leave, pension and other (cognate) matter not specifically mentioned in these rules, the member of the service shall be governed by the leave and pension rules contained in relevant rules framed/adopted by the Govt. from time to time. In respect of other condition of service other than those covered by these rules, member of the service shall be governed by the rules, orders and instructions as may be issued by the Govt. from time to time.

20. *Addition to qualifying service in special circumstances.* The benefit of addition to qualifying service in special circumstances shall be available to the each member (Service) subject to provisions as laid down in rule 30 of Central Civil Services Pension Rules, 1972.

21. *Removal of Difficulties.*—If any difficulties arises in giving effect to the provisions of these rules, the Govt. may, in consultation with the commission issue such directions not inconsistent with the provisions of these rules, as appear to it to be necessary and expedient, for removal of the difficulties.

22. *Interpretation.*—If any question arises relating to the interpretation of these rules, it shall be referred to the Govt. (in the department of Health and Family Welfare) whose decision shall be final.

23. *Power to relax.* Where the State Govt. is of the opinion that it is necessary or expedient so to do, it may by order for reasons to be recorded in writing and in consultation with H.P. Public Service Commission, relax any of the provisions of these rules with respect to any class or category or person or posts.

24. *Repealing and saving.* (i) The H.P. Health Services Rules, 1974 as notified *vide* this Govt. notification No. GSR/1-71/69-M&F-P, dated 19-1-1974 are hereby repealed to the extent these pertain to the post of Dental Wing.

(ii) Notwithstanding such repeal any appointment made or any thing done or any action taken under relevant rules so repealed under sub-rule (i) *supra* shall be deemed to have been validly made, done or taken under these rules.

By order,

Sd/-

Commissioner-cum-Secretary (Health).

ANNEXURE

(See Rules 3, 6,

RECRUITMENT AND PROMOTION RULES FOR HIMACHAL PRADESH IN THE
HIMACHAL

Sl. No.	Name of post	No. of post	Classifi- cation	Pay scale	Whther selection or non- selection	Age for direct re- cruitment
1	2	3	4	5	6	7
1.	Medical Officer (Dental)	53	Class-I (Gazetted).	As shown in Appendix 'A'.	N. A.	45 yrs. & below
2.	Deputy Director/State Program- me Officer (Dental).	1	-do-	3700—5300	Selec- tion.	N. A.
3.	Joint Director (Dental)	1	Class-I (Gazetted).	4125—5600	Selec- tion.	N. A.
4.	Director	1	-do-	5000—6700	-do-	N. A.

7 and 9)

DEPARTMENT OF HEALTH AND FAMILY WELFARE, DENTAL SERVICES
PRADESH

minimum Educational & other Qualification required for direct Rectt.	Whether age & educational qualification prescribed for direct Rectts. will apply in the case of promotees	Method of Rectt.	In case of Rectt. by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If D. P. C. exists what is its composition	Circumstances under which H. P. P. S. C. is to be consulted in making recruitment
8	9	10	11	12	13
As shown in Appendix 'B'	N. A.	100% by direct recruitment	N. A.	—	—
N. A.	N. A.	100% by promotion.	By Promotion amongst the officers who are working in the pay scale of Rs. 3700—5300 & have passed the Deptt. Exam. on the basis of merit cum-seniority.	As may be constituted by the Government from time to time.	As required under the law.
N. A.	N. A.	100% by promotion.	By promotion from amongst the Deputy Director (Dental)/State Programme Officer (Dental) with 2 years service as such failing which from amongst the dental doctors with minimum of 18 years service as M. O. (Dental).	-do-	-do-
-do-	-do-	-do-	By promotion from amongst the Jt. Director who have put in 2 yrs. defined service failing which from amongst Deputy Directors/State Programme Officer (Dental) having at least 5 yrs. defined service.	-do-	-do-

APPENDIX-A

(ANNEXURE-I)

Sl. No.	Name of the post	Pay scale
1	2	3
1.	Medical Officer (Dental)	(i) On basic entry Rs. 2200-4000 with a start of Rs. 2250/-. (ii) Scale after 8 years of regular service Rs. 3000-4500. (iii) Scale after 18 years of regular service Rs. 3700-5300.
2.	Deputy Director (Dental)/State Programme Officer (Dental).	Rs. 3700-5300
3.	Joint Director (Dental)	Rs. 4125-5600
4.	Director (Dental)	Rs. 5900-6700

APPENDIX-B TO ANNEXURE-I

Name of the post	Educational Qualification required
1	2
1. Himachal Pradesh Civil Dental Service-I.	<p><i>Essential :</i></p> <ol style="list-style-type: none"> 1. A recognised degree of Bachelor of Dental Services recognised by the Dental Council of India. 2. Completion of compulsory rotating internship. <p><i>Desirable qualifications :</i></p> <ol style="list-style-type: none"> (i) A Post-Graduate Degree (MDS) in Dentistry. (ii) Knowledge of customs, manner and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.

APPENDIX-C

List of recognised post-graduate Dental Qualifications granted by the authorities or Institutions in India.

Sl. No.	Name of Speciality	Recognised post-graduate Dental Qualification
1	2	3

I. *Master of Dental Surgery :*

- (i) Prosthetic Dentistry.
- (ii) Periodontia.
- (iii) Oral Surgery.
- (iv) Orthodontia.
- (v) Dental Radiology.
- (vi) Operative Dentistry.
- (vii) Dental Pathology and Bacteriology.
- (viii) Pedodontia and Preventive Dentistry.
- (ix) Dental Prosthesis and Crown and Bridge.

नियन्त्रक, मुद्रण तथा लेखन सामग्री, हि० प्र०, शिमला-5, द्वारा मुद्रित तथा प्रकाशित ।